

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 24, 2008**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), Weisberg, J. (Assigned)  
and P. Gonzalez, deputy clerk.

Each of the following:

B193055 Malam v. Toyota Motor Corp.  
B204205 Correa v. City of Inglewood

Matter continued to October 22, 2008.

B203910      ENA9 LLC et al.  
                 v.  
                 Kristie Marinello

Merits:

Argued by Rosario Perry for appellants and by Frederick Barak for  
respondent. Cause submitted.

B201110      Ellsworth Jackson et al.  
                 v.  
                 National Interstate Insurance Co.

Merits:

Argued by Pamela Billie for appellants and by Jason Julian for respondent.  
Cause submitted.

DIVISION ONE (continued)

B197814      Ellen Michaelson  
                 v.  
                 Marsha Munemura et al.

Merits:  
Argued by for Nate G. Kraut appellant, and by Michael Small for  
respondent.

B199041      Martin Goldberg et al.  
                 v.  
                 Amco Insurance Company

Merits:  
Argued by Peter Abrahams for appellant and by Stuart B. Esner for  
respondent. Cause submitted.

B202044      Beverly Ann Hollis-Arrington  
                 v.  
                 Bill Webb et al.

Merits:  
Argued by appellant in pro per and no appearance for respondents.  
Cause submitted.

Hastings, J. (Assigned), leaves the bench.

B202051      Carl Karish et al.  
                 v.  
                 Donald C. Gallagher

Merits:  
Argued by Tesson J. Walker for appellant and by Robert M. Nadel for  
respondents. Cause submitted.

Court in recess.

September 24, 2008 (Continued)

DIVISION ONE (continued)

Court reconvenes at 10:43 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), Weisberg, J. (Assigned) and P. Gonzalez, deputy clerk.

B201280      John Monks et al.  
                 v.  
                 City of Rancho Palos Verdes

Merits:

Argued by Stuart Miller for appellants and by Edwin J. Richards for respondent. Cause submitted.

Hastings, J. (Assigned), leaves the bench.

B195736      Ishac Ohannessian  
                 v.  
                 Peppy LLC et al.

Merits:

Argued by Vatche Chorbajian for appellant and by Rita Gunasekaran for respondent Peppy LLC and by David K. Schultz for respondent Quality Security Services. Cause submitted.

B204905      Moses Espinoza  
                 v.  
                 California Physicians' Service

Merits:

Argued by Russell S. Balisok for appellant and by Gregory Pimstone for respondent. Cause submitted.

Court adjourned.

September 24, 2008 (Continued)

## DIVISION ONE (continued)

B198153 Boladian (Not for Publication)

v.  
Lopez  
Ocampo et al.

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Hastings, J. (Assigned)

B203203 People (Not for Publication)

## V. Charleston

The judgment on count 2 is reversed and the trial court is ordered to dismiss it. In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Hastings, J. (Assigned)

B205669 People (Not for Publication)

V.  
Billingsley

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Weisberg, J. (Assigned)

DIVISION ONE (continued)

B198672      People      (Not for Publication)

v.

Beard

The judgment is affirmed.

Mallano, P.J.

We concur:    Rothschild, J.  
                     Weisberg, J. (Assigned)

B198356      Los Angeles County, D.C F.S.      (Not for Publication)

v.

T.M.

The order under review is affirmed.

Mallano, P.J.

We concur:    Rothschild, J.  
                     Weisberg, J. (Assigned)

B204473      In re R.D.  
                     Lloyd L.      (Not for Publication)

v.

Los Angeles County, D.C F.S.

The October 23, 2007 order is reversed, and on remand the juvenile court is directed to conduct a hearing on the merits of the petition for modification filed on November 2, 2006.

Mallano, P.J.

We concur:    Rothschild, J.  
                     Hastings, J. (Assigned)

DIVISION THREE

B205557      People  
v.  
Shawn Collins

Filed order denying petition for rehearing.

## DIVISION FOUR

B202410 People v. Posey (Not for Publication)

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting: (1) an imposition of a 15-year minimum parole eligibility period for each attempted murder count (§ 186.22, subd. (b)(5)); (2) the imposition of a section 12022.53, subdivision (d) enhancement with a term of 25 years to life on count 3; (3) reduction of the section 1202.4, subdivision (b) fine to \$10,000; (4) reduction of the section 1202.45 fine to \$10,000; (5) imposition of a \$10,000 section 672 fine; (6) imposition of a \$10,000 section 1464 penalty assessment; (7) imposition of a \$2,000 section 1465.7 surcharge; (8) imposition of a \$5,000 state construction penalty pursuant to Government Code section 70372; (9) imposition of a \$5,000 penalty assessment pursuant to Government Code section 76000, subdivisions (a) and (e); and (10) imposition of three \$20 court security fees (§ 1465.8, subd. (a)(1)). In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

DIVISION FOUR (continued)

B205583      Los Angeles County, D.C F.S.      (Not for Publication)

v.

J.C.

The judgment (orders denying father's section 388 petition and terminating his parental rights) is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

B196218      Selvage      (Not for Publication)

v.

Meyers et al.

The order granting Meyers's anti-SLAPP motion is reversed in part as to the conversion claim and affirmed in part as to the wrongful death and intentional infliction of emotional distress claims. The judgment is otherwise affirmed. Respondents Labow, Goldberg, Carter, and Pacquette are awarded their costs on appeal. Respondent Meyers is to bear her own costs.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

September 24, 2008 (Continued)

DIVISION FOUR (continued)

B197971      Rael      (Certified for Publication)

B200217      v.  
Davis

The judgment and the order denying the motion for attorney fees are affirmed. Davis shall have costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B197739      Monrovia Nursery Company, Inc.      (Not for Publication)

B199444      v.  
Rosedale, Jr. et al.  
Ursey et al.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

DIVISION FIVE

B201148      Myer Sankary  
v.  
Nina Ringgold

Filed order denying petition for rehearing.



DIVISION FIVE (continued)

B202858     Myer Sankary  
               v.  
               Nina Ringgold

Filed order denying petition for rehearing.

B204931     Myer Sankary  
               v.  
               Nina Ringgold

Filed order denying petition for rehearing.

DIVISION SIX

B204976     Child Protective Services                     (Not for Publication)  
               v.  
               S.M.

The order denying the section 388 petition is affirmed. The judgment terminating parental rights to C. M.1 and C. M.2. is conditionally reversed. As to all of the children (A. M. , M. M., C. M.1, and C. M.2), the matter is remanded to the juvenile court with directions to order respondent to give the requisite ICWA written notice to the United Keetoowah Band of Cherokee Indians in Oklahoma. (See *In re Brooke C.*, *supra*, 127 Cal.App.4th at p. 385.) If said tribal entity determines that the children are Indian children, "the juvenile court shall conduct further proceedings applying the appropriate provisions of the ICWA, the Welfare and Institutions Code, and the California Rules of Court." (*In re Justin S.* (2007) 150 Cal.App.4th 1426, 1438.) On the other hand, if said tribal entity determines that C. M.1 and C. M.2 are not Indian children, or if no timely response is received, the juvenile court shall immediately reinstate the judgment terminating parental rights. (*Ibid.*; *In re Francisco W.* (2006) 139 Cal.App.4th 695, 704-711)

Yegan, Acting P.J.

We concur:    Coffee, J.  
                     Perren, J.

## DIVISION EIGHT

B202429      People      (Not for Publication)  
v.  
Maurice Butler

The judgment is affirmed.

Bigelow, J.

We concur: Cooper, P.J.  
Rubin, J.

B195738      Tarek Bourgi      (Certified for Publication)  
v.  
West Covina Motors, Inc., et al.

The finding of liability and award of damages, costs, prejudgment interest and attorney fees must be reversed. However, the jury found punitive damages were not warranted, and we find substantial evidence in the record to support this determination. Accordingly, the judgment in favor of appellant with respect to punitive damages is affirmed. The judgment in favor of respondent and order granting costs, prejudgment interest and attorney fees are reversed, and the matter is remanded to trial court for retrial in conformance with this opinion.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

DIVISION EIGHT (continued)

B197611      Association for Los Angeles Deputy Sheriffs  
                 v.  
                 County Of Los Angeles et al.

Filed order certifying opinion for publication and modifying opinion. (no  
change in judgment)

B175361      The People  
                 v.  
                 Juan Carlos Guterrez

Filed order granting petition for rehearing..